

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	MDL No. 1456
	)	Civil Action No. 01-12257-PBS
	)	
THIS DOCUMENT RELATES TO:	)	Hon. Patti B. Saris
	)	
<i>United States of America ex rel. Ven-a-</i>	)	Magistrate Judge Marianne B.
<i>Care of the Florida Keys, Inc., et al. v.</i>	)	Bowler
<i>Boehringer Ingelheim Corporation, Inc., et</i>	)	
<i>al., CIVIL ACTION NO. 07-10248-PBS</i>	)	

**UNITED STATES' MOTION FOR A PROTECTIVE ORDER  
REGARDING THE ROXANE DEFENDANTS' RULE 30(b)(6) NOTICE**

The United States of America, through its undersigned counsel, respectfully moves this Court to issue an order pursuant to Federal Rule of Civil Procedure 26(c) prohibiting the Roxane Defendants from subjecting government witnesses to deposition pursuant to Federal Rule of Civil Procedure 30(b)(6) on certain of Roxane's designated topics. *See* Exhibit A. For the reasons explained in the accompanying memorandum, those topics seek irrelevant, nonexistent and/or duplicative information, are unreasonably broad and

burdensome, and/or seek information that should be obtained by other means. Fed. R. Civ. 26(b)(2)(C).

Respectfully submitted,

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By: /s/ James J. Fauci  
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### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused an electronic copy of the above "MEMORANDUM IN SUPPORT OF UNITED STATES' MOTION FOR A PROTECTIVE ORDER REGARDING THE ROXANE DEFENDANTS' RULE 30(b)(6) NOTICE" to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

s/ James J. Fauci

JAMES J. FAUCI

Assistant U.S. Attorneys

Dated: November 13, 2008

### **RULE 7.1 CERTIFICATION**

The undersigned counsel certifies pursuant to Local Rule 7.1(a)(2) that he has conferred with counsel for Relator and the Defendants on the issues raised in this motion, and the parties were unable to agree.

/s/ Laurie A. Obertembt

LAURIE A. OBEREMBT

Trial Attorney

Department of Justice

Dated: November 13, 2008